

### REMARKS

Claims 23 – 25, 27 – 33, 39 and 40 are pending in the present application. Claims 23 and 27 are independent. Claims 42 and 43 are newly added.

Claim 23 has been rejected under 35 U.S.C. §102(e) as being anticipated U.S. Patent No. 6,175,055 to Schone et al. (hereinafter "Schone").

Claim 23 is directed to a method of incorporating zeolite in a tampon for suppression or removal of menstrual odors. The method comprises, *inter alia*, distributing zeolite granules on a first non-woven web. The zeolite granules are the sole odor-absorbing materials incorporated into the tampon.

The Advisory Action states that Schone discusses different embodiments of tampons at col. 1, l. 52-65, "one comprising bentonite only, and one comprising zeolite only." Applicant respectfully submits that this statement has no support in Schone. The passage cited by the Advisory Action does not state anywhere that any of the discussed embodiments comprise zeolite only. Instead, Schone states that "[t]he fact that more bentonite is used than, for example, carbon black or zeolite...is itself an advantage." (col. 1, l. 52-54, emphasis added) The fact that Schone states that more bentonite is used than carbon black or zeolite is a clear indication that at least some bentonite is used in all of the discussed embodiments. This is contrary to the requirement in claim 23 that zeolite be the sole odor-absorbing material incorporated into the tampon.

Therefore, claim 23 is patentable over Schone. Applicant respectfully requests that the rejection of claim 23 be reconsidered and withdrawn.

Claims 24, 25 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schone in view of U.S. Patent No. 5,165,152 to Kramer et al. (hereinafter "Kramer").

As discussed in prior responses submitted by Applicants, Kramer fails to cure the deficiency of Schone to disclose or suggest the method of claim 23, and is not relied on by the Office Action to do so. Therefore, claims 24, 25, and 40 are patentable over the cited combination of Schone and Kramer. Applicant respectfully requests that the rejection of claims 24, 25, and 40 be reconsidered and withdrawn.

Claims 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schone in view of Kramer, and further in view of U.S. Patent No. 4,826,497 to Marcus et al. (hereinafter "Marcus").

Independent claim 27 is directed to a method of incorporating zeolite in a tampon for suppression or removal of menstrual odors. The method comprises, *inter alia*, distributing zeolite granules on a first non-woven web. The zeolite granules are one or more natural zeolite granules, and are the sole odor-absorbing materials incorporated into the tampon.

As discussed above, the cited combination of Schone and Kramer fails to disclose or suggest zeolite granules that are the sole odor-absorbing materials incorporated into a tampon, as required by claim 27. Again, as discussed in prior responses submitted by Applicants, Marcus fails to cure this deficiency.

Furthermore, claim 27 requires that the zeolite be one or more natural zeolites. Applicant respectfully re-asserts the argument put forth in the Response After Final submitted on September 23, 2009. Schone clearly does not contemplate natural zeolites at all. Schone states that "in contrast to carbon black or zeolite, bentonite is a naturally occurring mineral." (col. 1, l. 62-63, emphasis added) Kramer does not disclose any odor-absorbent materials at all, let alone the natural zeolites required in claim 27. Marcus discloses natural zeolites such as clinoptilolite, but only as one of the disfavored materials of the prior art. (col. 3, l. 32-33) Marcus states that the preferred zeolites for the invention disclosed therein are synthetic. (col. 5, l. 15-48) Therefore, Marcus expressly teaches away from using the one or more natural zeolites required in

claim 27, and can not be combined with Schone and Kramer in the way espoused by the Final Action. The Advisory Action did not address these arguments.

Therefore, for at least the reasons that the cited combination of Schone, Kramer, and Marcus fails to disclose or suggest zeolite as the sole odor-absorbing material incorporated into a tampon, and because the cited combination also teaches away from using natural zeolites, claim 27 is patentable over Schone, Kramer, and Marcus under 35 U.S.C. 103(a). Claims 28 and 29 depend from claim 27, and are also patentable for at least the reasons provided above with respect to claim 27. Applicant respectfully requests that the rejection of claims 27-29 be reconsidered and withdrawn.

Claims 30-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schone in view of Kramer and Marcus, and further in view United States Patent No. 6,030,608, to Hoyes et al., hereinafter "Hoyes."

Claims 30-33 depend from claim 27. As stated in prior responses submitted by Applicant, Hoyes fails to cure the deficiency of Schone, Kramer, and Marcus to disclose or suggest the method of claim 27, and is not relied on by the Office Action to do so. Therefore, claims 30-33 are patentable over the cited combination of Schone, Kramer, Marcus, and Hoyes, for at least the reasons provided above with respect to claim 27. Applicant respectfully requests that the rejection of claims 30-33 be reconsidered and withdrawn.

Claim 39 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schone in view of Marcus.

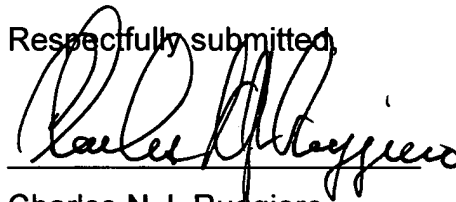
Claim 39 depends from claim 23. As previously discussed, neither Schone, nor Marcus, nor the combination of the two, discloses or suggests a method of incorporating zeolite in a tampon, wherein the zeolite is the sole odor-absorbing material incorporated into the tampon, as required by claim 23. Therefore, for at least the reasons provided above in support of the patentability of claim 23, claim 39 is also patentable over

Schone in view of Marcus. Applicant respectfully requests that the rejection of claim 39 be reconsidered and withdrawn.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

November 23, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", written over a horizontal line.

Charles N.J. Ruggiero  
Reg. No. 28,468  
Attorney for Applicant  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> floor  
Stamford, CT 06901-2682  
Tel: (203) 327-4500  
Fax: (203) 327-6401